



## Jury Instructions

### Hostage Taking

#### **Commonwealth v. Spearin**

Supreme Judicial Court, April 27, 2006

*The SJC defined, for the first time, the elements of hostage taking under G.L. c. 127, § 38A and provided jury instructions that outline the elements of the crime.*

The SJC defined, for the first time, the elements of hostage taking under G.L. c. 127, § 38A. A judge's instruction to the jury should include the following language:

In order to find the defendant guilty of hostage taking, the Commonwealth must prove each of the five following elements beyond a reasonable doubt: First, that the defendant is a prisoner in a penal or reformatory institution; Second, that the defendant seized or detained another person; Third, that the defendant threatened to kill, injure, or continue to detain that person; Fourth, that the defendant acted with the purpose and intention of compelling a third person or governmental entity to act in some way, or to refrain from acting in some way; and Fifth, that the person seized or detained was at the time an officer or employee of a penal or reformatory institution.